

UNITED STATES DISTRICT COURT

for the
Southern District of OhioUnited States of America
v.

Case No. 1:24-MJ-596

Mark Altherr

Defendant(s)

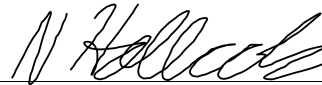
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

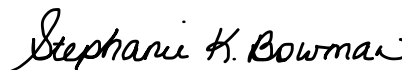
On or about the date(s) of December 2023 - July 26, 2024 in the county of Hamilton in the
Southern District of Ohio, the defendant(s) violated:*Code Section*18 U.S.C. §§ 2252A(a)(2), (b)(1)
18 U.S.C. §§ 2252A(a)(5)(B), (b)(2)*Offense Description*Distribution of Child Pornography
Possession of Child Pornography

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Nathan Holbrook, Special Agent FBI

*Printed name and title*Sworn to before me and signed in my presence.
via electronic means, specifically Facetime video.Date: Jul 28, 2024*Judge's signature*City and state: Cincinnati, Ohio

Hon. Stephanie K. Bowman

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Nathan Holbrook, a Special Agent with the Federal Bureau of Investigation (“FBI”) being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent of the FBI since February of 2011, and am currently assigned to the FBI’s Cincinnati Child Exploitation and Human Trafficking Task Force (“CEHTTF”). As part of my duties as a Special Agent, I am assigned to investigate violations of federal law, including the online sexual exploitation of children. This includes violations pertaining to the illegal trafficking, production, transmission, possession, and receipt of material depicting the sexual exploitation of minors.

2. I am submitting this affidavit in support of a criminal complaint and arrest warrant for MARK ALTHERR, year of birth: 1979, social security number: XXX-XX-7342. I submit there is probable cause to believe that beginning at least on December 1, 2023, and continuing through in or about July 2024, in the Southern District of Ohio and elsewhere, MARK ALTHERR distributed child pornography in violation of 18 U.S.C. § 2252A(a)(2) and (b)(1). Further, there is probable cause to believe that on or about July 26, 2024, in the Southern District of Ohio, MARK ALTHERR possessed child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2). The term “child pornography,” as used in this affidavit, refers to the definition set forth in 18 U.S.C. § 2256(8)(A).

STATUTORY AUTHORITY

3. Title 18 U.S.C. § 2252A(a)(2) and (b)(1) prohibit any person from knowingly distributing any child pornography or any material that contains child pornography using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

4. Title 18 U.S.C. § 18 U.S.C. § 2252A(a)(5)(B) prohibits a person from knowingly possessing any book, magazine, periodical, film, videotape, computer disk, or other material that contains an image of child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, shipped or transported in interstate or foreign commerce by any means, including by computer.

5. The statements contained in this affidavit are based in part on information provided by FBI Special Agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by FBI agents and computer forensic professionals; and my experience, training and background as a Special Agent with the FBI. Since this affidavit is being submitted for the purpose of securing a Criminal Complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe ALTHERR has violated 18 U.S.C. §§ 2252A(a)(2) and (b)(1), and 2252A(a)(5)(B) and (b)(2).

STATEMENT OF PROBABLE CAUSE

6. The FBI is investigating a website (hereinafter referred to as the “TARGET WEBSITE”) that allows users to engage in online communications with other users. It launched in approximately 2019. The TARGET WEBSITE expressly describes itself as a “child pornography community” that exists “to serve the pedophile community around the globe” and is “not intended to serve people who do not belong to such community.”

7. Users regularly use the website to advertise and distribute child pornography. Child pornography images and videos are trafficked through the TARGET WEBSITE via the posting of web links on the website’s forum. These links allow a user to navigate to another website, such as a file-hosting website where images and/or videos are stored, in order to download the linked-to images and videos. The site also allows users to engage in online discussion with other users, either via posts that are openly accessible to any user of the site, or in one-to-one private message chats between two users. The TARGET WEBSITE consisted of at least 100 registered members and more than 25 members who helped manage the website as “staff.” Registered members of the TARGET WEBSITE, and any user with a higher status than registered member, all had their usernames reserved for their exclusive use and needed to access their account through a password chosen by the user.

8. The FBI’s investigation has further revealed that a user of the TARGET WEBSITE, acting under a particular online alias and referred to here as the “SUBJECT USER,” was an active member of the website who posted files on the TARGET WEBSITE, including some depicting

child pornography. The FBI has determined that the SUBJECT USER has been active on the TARGET WEBSITE since approximately 2021.

9. An FBI Online Covert Employee (hereinafter referred to as “OCE-1”) maintains a presence on the TARGET WEBSITE. A review of the SUBJECT USER’s profile on the TARGET WEBSITE on approximately July 25, 2024, indicated that he had been a member of the TARGET WEBSITE for at least three years, his age of attraction was five to 12 years of age, and he made at least 262 posts on the website up to that point. The review also showed he had attained the rank of “Senior Member” which indicated he was a member of status.

10. The SUBJECT USER made posts to the TARGET WEBSITE that contained images of what appeared to be minors engaged in sexually explicit conduct. Some of the SUBJECT USER’s posts were still available for review at the time OCE-1 reviewed his profile and indicated they were posted six months ago. Below are examples of these posts:

- a. In approximately December 2023 or January 2024, the SUBJECT made a post to a thread titled, “3 to 5 year old cuties only” with the comment “*Older sister I believe is 6, but younger one definitely fits the age range. Both are cuties, but can tell the little one is playful and has a cute smile,*” along with seven images depicting two fully nude girls, both estimated to be between four seven years of age based on the children having no pubic hair or breast development and prepubescent like features. In multiple images the girls have their legs spread exposing their vaginas for the camera. In one of those images, the two girls use their fingers to spread their labia to further expose their vaginas.
- b. In approximately January 2024, the SUBJECT made a post to a thread titled, “*girl + dick*” thread with no comment and three images depicting child pornography. In one image, a prepubescent girl, estimated to be between the ages of five and seven, performs oral sex on an adult man’s erect penis. In a second image, a prepubescent girl, estimated to be between the ages of six and eight performs oral sex on an adult man’s penis and in a third a prepubescent girl manually manipulates an adult man’s erect penis while pornography appears to be playing on a television in the background. All three of the girls have young facial and bodily features and appear to be prepubescent based on their size in comparison to the adults.

11. The SUBJECT USER also made posts on the TARGET WEBSITE describing how he sexually abused minors. Below are examples of posts made by the SUBJECT USER:

- a. *"4 year old I was looking after I got to lick her pussy while she was asleep."*
- b. *"8 year old who had a crush on me. She sat on my lap and I got to rub her butt a few times."*
- c. *"10 year old neighbor I got to rub her pussy and make out once."*

12. The SUBJECT USER also made multiple posts on the TARGET WEBSITE [REDACTED]. The SUBJECT USER discussed sexually abusing [REDACTED]. Specifically, the user digitally penetrated the girl's vagina.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14. Law enforcement data base checks indicated that MARK ALTHERR lived at 650 Woodvalley Lane, Cincinnati, Ohio 45238. A review of Ohio Bureau of Motor Vehicle ("BMV") report for ALTHERR identified two vehicles registered to ALTHERR – a 2023 Hyundai SW bearing Ohio plate [REDACTED] and a 2004 Hyundai 4S bearing Ohio plate [REDACTED]

15. A review of publicly available Facebook post for [REDACTED] identified a post from July 22, 2019 welcoming ALTHERR as the new Fitness Education Teacher. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. Based [REDACTED] ALTHERR's posts on the TARGET WEBSITE [REDACTED], Investigators believed that it was necessary to locate ALTHERR [REDACTED]. Accordingly on July 26, 2024, at approximately 2:04 pm, an Investigator went to ALTHERR's residence located at 650 Woodvalley Lane, Cincinnati, Ohio, 45238 to conduct physical surveillance.

18. After surveilling ALTHERR's residence for approximately 5 hours, Investigators went to the address associated with Individual A. Investigators were unable to locate ALTHERR, ALTHERR's vehicle, [REDACTED], prompting Investigators to obtain an exigent ping on telephone number [REDACTED]-7218 believed to be the telephone number associated with ALTHERR based upon the number provided by the Charter Communications subscriber records. The ping identified ALTHERR at a public location in Columbus, Ohio.

19. An FBI Agent was dispatched to conduct physical surveillance on the location identified by the ping. The Agent identified a vehicle bearing Ohio plate [REDACTED], identified as a black Hyundai Santa Fe, registered to ALTHERR. At approximately 7:54 pm on July 26, 2024, the Agent observed an individual fitting the description of ALTHERR enter the vehicle with a minor female. Physical surveillance identified that ALTHERR and the minor female traveled to a hotel in the Columbus area at approximately 8:06 pm. No other individuals were observed traveling with ALTHERR and the minor female.

20. On July 26, 2024, investigators also reviewed images posted by ALTHERR to TARGET WEBSITE. The images depicted child sexual abuse material ("CSAM"). One image depicted a prepubescent female approximately five to six years old. The female was depicted nude

¹ [REDACTED]

and displaying her vagina for the camera. At approximately 8:30 pm, Investigators compared that CSAM image [REDACTED]

21. Based on the foregoing, the Agent believed that the minor female was in imminent danger when she entered the hotel with ALTHERR. Accordingly, at approximately 9:20 pm on July 26, 2024, Columbus FBI Agents executed a probable cause arrest on MARK ALTHERR in the Columbus area hotel room. Agents obtained ALTHERR'S room number from hotel staff. Agents knocked and announced their presence. ALTHERR opened the door in an attempt to look outside of the room. After seeing Agents present, ALTHERR attempted to shut the door, however, in an effort to effect the arrest and locate the minor female, Agents prevented ALTHERR from shutting the door and extracted him from the hotel room, taking ALTHERR into custody. Agents immediately returned to secure the hotel room following the arrest of Altherr. Agents observed a prepubescent female completely nude. In addition, Agents secured a laptop computer, cellular telephone, two suitcases, and a bookbag.²

22. Later on July 26, 2024, at approximate 9:30 pm, FBI agents executed a search warrant on ALTHERR's residence located at 650 Woodvalley Lane, Cincinnati, Ohio, 45238. It appeared that ALTHERR was the only adult individual living in the residence. [REDACTED]

23. During the execution of the search warrant, FBI Agents discovered a Lexar USB drive and a Memorex USB drive. Both digital devices were forensically screened on-site and determined to contain what appeared to be images and videos of CSAM. Below are descriptions from three of the files located on these devices:

- a. a 4 minute and 55 second video depicting an adult male performing oral sex on a minor female approximately 3 to 4 years old.
- b. an image depicting a close up photograph of a pre-pubescent female's vagina. The female appears to be in a bathtub.

² Affiant will obtain separate search warrant for items found in the hotel room.

- c. an image of a female approximately 5 years old completely nude sitting on a closed toilet seat with her legs spread showing her vagina.

CONCLUSION

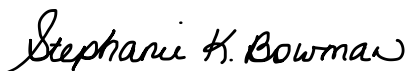
24. For these reasons, your Affiant respectfully submits that there is probable cause to believe that between on or about December 1, 2023 and continuing through on or about July 26, 2024, MARK ALTHERR violated 18 U.S.C. § 2252A(a)(2) and (b)(1), and 2252A(a)(5)(B) and (b)(2) in the Southern District of Ohio and elsewhere. I therefore respectfully request that the Court authorize a Criminal Complaint and Arrest Warrant for MARK ALTHERR.

Respectfully submitted,



Nathan Holbrook
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me by applicant by telephone per the requirements of Fed. R. Crim. P. 4(d) and 4.1 on this 28th day of July, 2024.



HON. STEPHANIE K. BOWMAN
UNITED STATES MAGISTRATE JUDGE